

BOARD OF SELECTMEN – MEETING OF JUNE 6, 2011
DRACUT HIGH SCHOOL/FACULTY ROOM

PRESENT – George A. Malliaros, Chairman, Robert O. Cox, Vice-Chairman, Joseph DiRocco, Jr., Clerk, John J. Zimini, Cathy Richardson-Brown, Dennis E. Piendak, Town Manager, James A. Hall, Town Counsel, Glen Edwards, Town Planner/Asst. Manager and Barbara Souza, Recording Secretary. Also present was Michael Buxton, Public Works Director/Sewer Commissioner.

The Chairman convened the meeting at 6:45 p.m.

ARTICLE #2-2 & ARTICLE 20 - Chairman Malliaros read the article aloud.

Attorney Hall indicated that Mr. Buxton would make a report for the committee; there was a committee of eight people. The voice of the committee spoke about a month ago saying they want the town to take it by eminent domain, it was unanimous and again said Mr. Buxton will make that report on behalf of the committee and then ask that Article 20 be taken out of order as it deals with Summer Hill and then refer all of the matters that deal with Summer Hill to the November Town Meeting in order to take care of all the legalities. The Sewer Commission needs to further look into the matter.

Mr. DiRocco said the only problem he has with this is that it has been over a year. Attorney Hall explained that they had to wait for a response to a letter to the DOR to find out if we can deed the people who benefitted from this project and said there are some people who are actually possibly contractually obligated to pay into the association that don't even use the pumping station. Following some additional comments, Mr. Hall said there are still some legal questions that have to be worked out; there are some financial decisions that have to be made by the Sewer Commissioners as to how this is all going to work financially. He said that quite frankly, the article that was presented tonight was a place-hold; it wasn't a properly drawn article so he wouldn't want to move forward on a serious matter like eminent domain and feels that by November they should have everything wrapped up and said he wants to make sure that all the ducks are in a row and everything is done properly and let the Sewer Commission make their decision.

Mr. DiRocco asked if that group of people would be here tonight and said if that were him, he'd be pretty irate. Mr. Hall indicated that they won't be here and said they all voted at the meeting; there were four representatives. He said that what has happened is historically he'd say 60% of the people up there don't think they have any obligation to pay and said there was a core group before of ten people that were very conscientious and accepted the fact they someday would want to resolve

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this and said it was a great committee; he said the four homeowners were really outstanding citizens and worked very hard. He added that they couldn't get anyone to become trustees and said there is no legal entity, no Summer Hill Association. Attorney Hall continued to say again that those four people were outstanding and they voted 7-0 and said there was a nice cross section on the committee; John (Zimini) was on the committee, Mike Buxton, Jack Turpin, Kathy Patenaude and they all finally got to this position but said it wasn't easy; they knew this recommendation was going to be made tonight and were aware there were some legal problems.

Mr. Buxton proceeded to make some brief comments.

Mr. Cox asked if there was any avenue of recourse against Fahey. Following some comments, Mr. Hall said this mistake took place 20-years ago and feels getting some money out of him is very unlikely.

Motion by Mr. Cox and seconded by Mr. Zimini it was unanimously voted to accept the report of the committee and defer Article 2-2 and Article 20 to the November Town Meeting.

ARTICLE 23 – Chairman Malliaros read the article aloud. Mr. DiRocco indicated that this was talked about at the board's previous meeting and said he will explain everything out on the floor tonight. He is submitting this article and will be looking for the board to let it go to give the taxpayers the choice.

Mr. Cox said he spoke to Joe (DiRocco) briefly before the meeting started just to see if he was willing to accept some type of amendment to reduce the tax to perhaps one percent just so it stays in existence. He doesn't have a problem letting the voters make a decision but would prefer to see some type of retention of those Community Preservation monies.

Ms. Richardson commented that she's been pretty clear that she would like to see some kind of amendment or have this article dismissed and explained her reasons.

Mr. Cox said that is his feeling as well and it's like walking a tight rope of sorts; it is up to the voters, however, what do we do and where do we go from here.

Mr. Zimini said everyone knows where he stands on this; he stands on dismissing this article and moving forward with what he feels is the best deal this town has ever seen; it's a small amount of money and people

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are dedicated to preservation, historical, recreation, whatever the three or four items are on that act that we passed. Mr. Zimini said that everyone says that town meeting is the purest form government and said it is as far as he is

concerned; if people are interested they should be here to vote and said he is certainly not opposed to letting people vote. He said we have to make some judgments here and as far as he is concerned, he is voting to keep what he feels is the best deal in town and feels many people in town feel it's the best deal in terms of return, in terms of what it has done and what we can use it for in the future and said he supports dismissal.

Mr. Malliaros commented that he remembers well what it took to get the act passed and is afraid that if it is put to a vote it just might not pass and said it is a close call for him; but as was said, if people here tonight vote for the article going forward then so be it.

Ms. Richardson moved to recommend it be dismissed as written. Mr. Zimini seconded the motion.

Under discussion, Mr. Cox said he would support any type of amendment because he also is concerned that it is just going to disappear and all the good that has taken place over the years that we've had the advantage of, will no longer exist. He feels by reducing it to 1%, it would still be about \$350,000 a year and it's at least something going in and said it is also a very tough one for him. As much as he thinks that the voters have every right in the world to decide, and in time they will, it is just one of those really scary things right now.

Mr. Malliaros commented that what he didn't read in an editorial in the newspaper was the fact that if you walk out of the CPA Act and you record a deed at the Registry of Deeds, today it's \$175.00, if those bills pass it's going to be \$350.00 and said we're going to pay that as citizens and we're not going to get that tax money. Mr. Malliaros continued with some additional comments.

Mr. DiRocco said the comment was made that it is not a lot of money and said "who are we to decide what a lot of money is to some people." He feels in his mind, that is what this whole thing is about; we have eleven months to convince the people whether to keep this or not to keep it; he's hearing that you do not want to give them the opportunity to put it on the ballot; you want to dismiss it and not give the taxpayers that opportunity and said "that is what I'm hearing".

Discussion continued.

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On the motion to recommend dismissal, the board voted as follows:

Mr. Zimini – yes

Ms. Richardson – yes

Mr. DiRocco, no

Mr. Cox, no
Mr. Malliaros, yes

The motion to recommend dismissal passed 3 – 2.

Summer Schedule – The matter of summer schedule was discussed. It was the consensus of the board to meet on the second Tuesdays only during the months of June, July and August.

The meeting adjourned at 7:05 p.m.

George A. Malliaros, Chairman

Robert O. Cox, Vice-Chairman

Joseph DiRocco, Clerk

John J. Zimini

Cathy Richardson-Brown